



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

Paula Wilson  
Executive Deputy Commissioner

November 23, 1993

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert S. Asher, Esq.  
295 Madison Avenue  
New York, New York 10017

Stanley D. Taylor, M.D.  
480 Hopatcon Avenue  
West Hempstead, NY 11552

Daniel Guenzburger, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
5 Penn Plaza - Sixth Floor  
New York, New York 10001-1810

**RE: In the Matter of STANLEY DOUGLAS TAYLOR, M.D.**

Dear Mr. Asher, Dr. Taylor, and Mr. Guenzburger:

Enclosed please find the Determination and Order (No. ARB-93-101) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

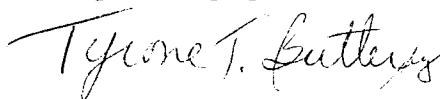
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:rg  
Enclosure

STATE OF NEW YORK ; DEPARTMENT OF HEALTH  
ADMINISTRATIVE REVIEW BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER	:	<u>ADMINISTRATIVE</u>
	:	<u>REVIEW BOARD</u>
OF	:	<u>DETERMINATION</u>
	:	<u>AND ORDER</u>
STANLEY DOUGLAS TAYLOR, M.D.	:	<u>ARB NO. 93-101</u>

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The Administrative Review Board for Professional Medical Conduct (Review Board), consisting of **ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**<sup>1</sup> held deliberations on October 8, 1993 to review the Professional Medical Conduct Hearing Committee's (Committee) July 30, 1993 Determination finding Dr. Stanley Douglas Taylor guilty of professional misconduct. The Office of Professional Medical Conduct (OPMC) requested the review through Notices which the Review Board received on August 10, 1993. **JAMES F. HORAN** served as Administrative Officer to the Review Board. Daniel Guenzburger, Esq. submitted a brief for OPMC on September 10, 1993. Robert Asher, Esq. submitted a response to OPMC's brief, on Dr. Taylor's behalf, on September 28, 1993.

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<sup>1</sup>. Dr. Price and Dr. Sinnott participated in the deliberations by telephone.

## SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

## HEARING COMMITTEE DETERMINATION

The Office of Professional Medical Conduct charged the Respondent with practicing with negligence on more than one occasion, gross negligence, aiding an unlicensed person to practice, being found guilty of conduct by another state that would constitute misconduct in New York, being disciplined by another state for conduct which would constitute misconduct in New York, fraudulently practicing medicine and willfully making and filing false reports. The charges that the Respondent was guilty

of gross negligence, negligence on more than one occasion, aiding an unlicensed person to practice, committing acts in another state which would constitute misconduct in New York and being disciplined for misconduct by another state arise from the Respondent's conduct while employed at two medical clinics in California in 1983 and 1984. The charges alleging fraudulently practicing medicine and willfully making and filing false reports arise from the Respondent's application for renewal of his New York Medical License, for a residency at Bellevue Medical Center, for a certificate from the United States Drug Enforcement Agency to prescribe and administer controlled substances in 1990 and 1991 and for a staff appointment at Woodhull Medical Center.

The Hearing Committee found the Respondent guilty on all the charges. The Committee found that the Respondent had been employed in California by a physician's assistant, that the Respondent had authorized the physician's assistant to sign the Respondent's name for prescriptions for controlled substances and countersigned patient charts for controlled substances that were issued in irrational combinations and intervals without medical indication, that the Respondent prescribed controlled substances without medical indication and in excessive amounts, and that the Respondent gave the physician's assistant blank prescription forms for Schedule II controlled substances. The Committee found that the Respondent signed a stipulation with the California Board of Medical Quality admitting to professional misconduct for his prescribing of controlled substances. The Hearing Committee found

that the California Board revoked but stayed the revocation of the Respondent's license, suspended the Respondent from practice for one year and placed the Respondent on ten years probation.

The Committee found further that the Respondent had knowingly and intentionally concealed facts about the California action when registering to practice in New York in 1989, and in applying for a residency at Bellevue in 1989, for a DEA certificate to prescribe controlled substances in 1990 and 1991, and, for a staff appointment at Woodhull in 1991.

The Committee concluded that the Respondent's character was unreliable and untrustworthy, that his conduct was self-serving, that the Respondent failed to accept responsibility for his past misconduct, that the Respondent placed his interests above the integrity of the profession as insured by state and federal licensing authorities and the hospitals to which he applied for appointment, and, that the Respondent failed to appreciate the significance of making fraudulent statements to licensing authorities and hospitals. The Committee found, however, that the Respondent had no criminal record and that no patient was shown to have suffered an injury due to the Respondent's misconduct. The Committee voted to suspend the Respondent's license to practice medicine in New York for five years, stayed the suspension, placed the Respondent on five years probation and fined the Respondent Ten Thousand (\$10,000.00) Dollars.

## REQUESTS FOR REVIEW

The OPMC urges the Review Board to uphold the finding that the Respondent was guilty on all charges, but asks that the Review Board overturn the Committee's penalty and revoke the Respondent's license. The OPMC contends that the Committee's penalty is not consistent with the Committee's findings that the Respondent was untrustworthy and unreliable, failed to accept responsibility for his past misconduct and failed to appreciate the significance of making fraudulent statements. The OPMC argues that the Respondent is not a likely candidate for rehabilitation, and that the only appropriate penalty in this case is revocation.

The Respondent requests that the Review Board overturn the Hearing Committee's findings of guilt, arguing that many of the Committee's findings were based on a Stipulation, which the Respondent entered into with the State of California, which the Committee should not have considered. The Respondent alleges that the OPMC did not prove the charges arising from the California conduct by a preponderance of the evidence and the charges should be dismissed. The Respondent argues further that if the Department has not proved the California charges, then the Department has not proved that the Respondent lied about the California action in his later applications. In the alternative, the Respondent argues that the conduct in California took place ten years ago, and that the Respondent does not present a danger

to the People of New York State. The Respondent urges that if the Review Board sustains the Hearing Committee's findings, that the Board place the Respondent on two years probation and require monitoring during the probation.

### REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes unanimously to sustain the Hearing Committee's Determination finding the Respondent guilty of practicing with gross negligence, practicing with negligence on more than one occasion, aiding an unlicensed person to practice, committing acts in another state that would constitute misconduct in New York, being found guilty of misconduct in another state, fraudulently practicing the profession and willfully filing false reports. The Review Board finds that the Committee's Determination is consistent with their findings and conclusions.

The Review Board votes unanimously to overturn the Hearing Committee's Determination to place the Respondent on probation and fine him Ten Thousand (\$10,000.00) Dollars. That penalty is inconsistent with the Committee's conclusions that the Respondent was unreliable and untrustworthy, that the Respondent placed his interests above the integrity of the profession, that the Respondent failed to accept responsibility for his past misconduct and that the Respondent failed to recognize the



seriousness of making fraudulent statements to licensing authorities. The Penalty is also inconsistent with the Committee's findings that the Respondent was guilty of gross and repeated acts of negligence, fraud, aiding an unlicensed person to practice and willfully filing false reports. The Penalty is not appropriate considering the serious nature of the Respondent's misconduct. Based upon the Hearing Committee's findings and conclusions in this case, the Review Board determines that the only appropriate penalty is to revoke the Respondent's license to practice medicine in New York State.

The Respondent was guilty of gross and repeated negligence in prescribing controlled substances inappropriately. The Respondent showed poor judgement in his employment by the physician's assistant whom the Respondent aided in the unlicensed practice of medicine. The Respondent showed a lack of integrity and trustworthiness by intentionally deceiving licensing authorities and hospitals about the details of the Respondent's misconduct in California. The Respondent's misconduct involved both his care of patients and his ethics in practicing medicine. The Review Board feels that the Respondent's refusal to accept responsibility for his past misconduct and his failure to appreciate the significance in making false statements indicate that the Respondent lacks the good sense to change his practice style and his ethics. Due to serious nature and the extent of the Respondent's misconduct, and to the Hearing Committee's conclusions concerning the Respondent's character, and to the

Review Board's finding that the Respondent would not be a good prospect for rehabilitation, the Review Board votes unanimously to revoke Dr. Taylor's license to practice medicine in New York State.

**ORDER**

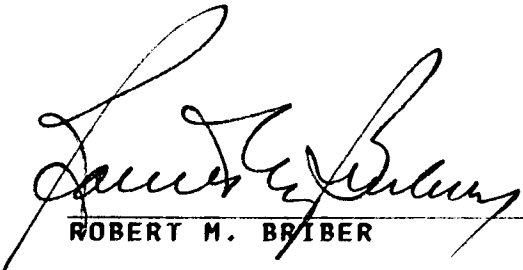
**NOW**, based upon this Determination, the Review Board issues the following **ORDER**:

1. The July 30, 1993 Determination by the Hearing Committee on Professional Medical Conduct finding Stanley Douglas Taylor, M.D. guilty of professional misconduct is sustained.
2. The Hearing Committee's Determination to place the Respondent on Probation and fine him Ten Thousand (\$10,000.00) Dollars is overturned.
3. The Review Board votes unanimously to revoke Dr. Stanley Douglas Taylor's license to practice medicine in New York State.

IN THE MATTER OF STANLEY DOUGLAS TAYLOR, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taylor.

DATED: Albany, New York  
November 19, 1993



ROBERT M. BRIBER

**IN THE MATTER OF STANLEY DOUGLAS TAYLOR, M.D.**

**MARYCLAIRE B. SHERWIN**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taylor.

**DATED:** Albany, New York  
November 23, 1993

*Maryclaire B. Sherwin*  
**MARYCLAIRE B. SHERWIN**

**IN THE MATTER OF STANLEY DOUGLAS TAYLOR, M.D.**

**WINSTON S. PRICE, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taylor.

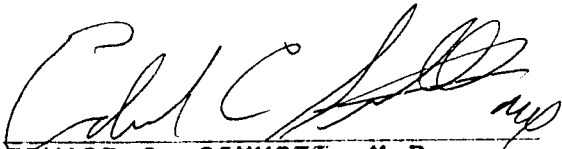
**DATED: Brooklyn, New York**  
**November 23, 1993**

  
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**WINSTON S. PRICE**

IN THE MATTER OF STANLEY DOUGLAS TAYLOR, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taylor.

DATED: Albany, New York  
November 16, 1993



EDWARD C. SINNOTT, M.D.

IN THE MATTER OF STANLEY DOUGLAS TAYLOR, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Taylor.

DATED: Albany, New York  
November , 1993

  
WILLIAM A. STEWART, M.D.